

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### 50 CFR Part 17

#### Changes to the Special Rule Concerning the American Alligator

**AGENCY:** Fish and Wildlife Service,  
Interior.

**ACTION:** Final rule.

**SUMMARY:** The special rule concerning the American alligator, *Alligator mississippiensis*, found at § 17.42(a) is amended to authorize the taking of American alligators in the State of Louisiana in those twelve parishes in which the American alligator is listed under § 17.11 as threatened-similarity of appearance (Cameron, Vermilion, Calcasieu, Iberia, St. Mary, St. Charles, Terrebonne, Lafourche, St. Bernard, Jefferson, St. Tammany, and Plaquemines), provided that the hides of such alligators are only sold or offered for sale to persons holding a valid Federal permit to buy hides issued under the special rule and the meat or other parts, except hides, of such

alligators are sold only in the State of Louisiana in accordance with the laws and regulations of that State.

**DATES:** This rule is effective on September 6, 1979.

**FOR FURTHER INFORMATION CONTACT:** Marshall L. Stinnett, Special Agent in Charge, Regulations and Penalties, Division of Law Enforcement, P.O. Box 19183, Washington, D.C. 20036, (202) 343-9242, or Mr. Harold J. O'Connor, Acting Associate Director—Federal Assistance, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240, (202) 343-4646.

#### SUPPLEMENTARY INFORMATION

##### Background

On October 2, 1978 (43 FR 45513-45517), the Service published a proposed reclassification of the American alligator under § 17.11 from threatened to threatened-similarity of appearance in nine additional parishes in Louisiana (Iberia, St. Mary, Terrebonne, Lafourche, St. Charles, St. Bernard, Jefferson, Plaquemines, and St. Tammany) and proposed changes to the special rule concerning the American alligator, § 17.42(a), which included authorization

to conduct a controlled harvest of American alligators in those twelve parishes in Louisiana where the alligator is classified as threatened-similarity of appearance. On June 25, 1979 (44 FR 37130; correction made in 44 FR 42911, July 20, 1979), the Service published a final rule reclassifying the American alligator in those nine additional parishes. On July 18, 1979 (44 FR 41894-41899), the Service proposed changes to the special rule concerning the American alligator which again included authorization to conduct a controlled harvest in Louisiana. Final rules will be published and become effective in mid-September, at least sixty days after publication of the proposed rules in the **Federal Register**, as required by the Endangered Species Act of 1973. The Service's consistent intent throughout these rulemakings has been to classify the American alligator in twelve Louisiana parishes as threatened-similarity of appearance and to authorize a controlled harvest in these areas subject to state and federal law. See 43 FR 45516 (October 2, 1978) and 44 FR 37131 (June 25, 1979). However, the special rule in its present form specifically authorizes a controlled harvest in three parishes only, despite the fact that the American alligator has been listed as threatened-similarity of appearance in nine additional parishes. See 50 CFR § 17.42(a)(1)(i)(E). This final rule would clarify that a controlled harvest is authorized under federal law in all twelve parishes where the American alligator is listed threatened-similarity of appearance.

This rule also amends the existing special rule by authorizing the sale of meat and other parts, except hides, within Louisiana subject to the laws and regulations of that state. This amendment was proposed in the October 2, 1978 rulemaking. See 43 FR 45515-45516.

#### Summary of Comments

In the October 2, 1978 **Federal Register** proposal (43 FR 45513-45517) and the accompanying September 29, 1978 press release, the general public, State, Federal and other interested parties were asked to submit comments on any aspect of the proposal. The Service also requested comments during a reopened public comment period (May 10-June 5, 1979) and received comments on the proposal at public hearings held on May 25, 1979 at Morgan City, Louisiana and May 29, 1979 at Tallahassee, Florida. The Service has carefully considered these comments. Those comments relating to the reclassification of the

American alligator in the nine additional Louisiana parishes as threatened-similarity of appearance and authorization for a controlled harvest in these areas were summarized in the June 25, 1979 rulemaking and will not be repeated. See 44 FR 37130-37131. The Service has determined that a controlled harvest of the American alligator listed as threatened-similarity of appearance is consistent with their conservation.

The Service received six written comments concerning the question of the sale of American alligator meat and parts other than hides. Five written comments generally supported the Service's proposal and one opposed it. These comments are summarized below.

The State of Louisiana (Governor Edwin Edwards) and the Florida Game and Freshwater Fish Commission (Colonel Robert Brantly) supported the sale of meat and other parts, but urged the Service to allow interstate commerce in these items as well. This position was based on the rationale that meat would be wasted if it could be legally sold only in the state of taking and that the Service's proposal would unnecessarily restrict the sale of educational materials by biological supply houses.

Little Pecan Wildlife Management Area (Robert A. Koll) favored the proposal on the ground that it would prevent the waste of American alligator meat and would stimulate the local economy.

The Southwest Florida Regional Alligator Association (SFRAA) opposed the sale of meat without explanation.

At the Morgan City, Louisiana public meeting, a number of oral comments were presented. Only three statements were made addressing the sale of meat and other parts. All three were from governmental representatives.

Mr. Richard Yancey (Assistant Secretary, Louisiana Department of Wildlife and Fisheries) urged the Service to allow the sale to occur outside the State of Louisiana. Reasons given to support his position paralleled those raised by the Governor of Louisiana, which have been discussed above.

State Senator Jesse Knowles, Vice Chairman of the Resources Committee of the Senate for the State of Louisiana, suggested alligator meat be available as a food source for the entire country, noting that such a program would provide additional economic benefit for trappers in Louisiana.

Mr. Doyle C. Berry (Chairman, Louisiana Wildlife and Fisheries Commission) supported the export of meat so profits could be used to further substantiate the state program.

At the Tallahassee, Florida public meeting, two participants discussed the sale of meat.

Mr. Alan Egbert (Florida Game and Freshwater Fish Commission) supported the sale of meat within the state of origin and argued that workable regulations could be promulgated to allow both interstate and foreign commerce in legally taken alligator meat.

Mr. J. Don Ashley (Director, Southeastern Alligator Association) supported the sale of meat under regulation and with the imposition of licensing and record-keeping requirements.

The Service has reviewed all the applicable comments and the Director has determined that the sale of meat or other parts, except hides, from American alligators taken lawfully in the State of Louisiana would prevent the wasting of a valuable resource. However, the meat and other parts, except hides, may be sold only in the State of Louisiana in accordance with state laws and regulations. Licensing and record-keeping requirements imposed by the State of Louisiana have facilitated effective enforcement with respect to the sale of American alligator meat and other parts within Louisiana. However, no regulatory scheme exists which would provide effective enforcement outside of states with such licensing and record-keeping systems.

#### Effect of the Rulemaking

The effect of this final rulemaking is to amend § 17.42(a)(1)(i)(E) to immediately authorize, subject to two conditions (see below), the taking of American alligators in accordance with the laws and regulations of the State of Louisiana in those twelve parishes in which the American alligator is listed under § 17.11 as threatened-similarity of appearance (Cameron, Vermilion, Calcasieu, Iberia, St. Mary, St. Charles, Terrebonne, Lafourche, St. Bernard, Jefferson, St. Tammany, and Plaquemines). As a result, the State of Louisiana now has clear authority to conduct a controlled harvest starting on September 7, 1979, as scheduled, in each of the twelve parishes where the American alligator is listed as threatened-similarity of appearance and which are enumerated in the special rule.

This rule also authorizes the sale of meat and other parts, except hides, only within the State of Louisiana subject to the laws and regulations of that State. Although commerce in these items is not generally allowed outside the State of Louisiana, permits available under § 17.32 may authorize otherwise

prohibited activities with these items outside the State if undertaken for one of the following purposes: scientific purposes, or the enhancement of propagation or survival; economic hardship; zoological exhibition; educational purposes; or special purposes consistent with the purposes of the Act.

#### Effective Date of This Rule

The Service has found good cause, as required by 5 U.S.C. 553(d)(3), for making this rulemaking effective immediately. The State of Louisiana has scheduled a controlled harvest of the American alligator to begin on September 7, 1979, in those twelve parishes in which the alligator is listed under § 17.11 as threatened-similarity of appearance and delay in the effective date of this rule could result in the postponement of such a season.

#### National Environmental Policy Act

An environmental assessment has been prepared in conjunction with this rulemaking. It is on file in the Service's Division of Law Enforcement, 1375 K Street, N.W., Washington, D.C. 20005, and may be examined during regular business hours. This assessment forms the basis for the decision that this is not a major Federal action which would significantly affect the quality of the human environment within the remaining of section 102(2)(C) of the National Environmental Policy Act of 1969.

The primary author of this rulemaking is Mr. John T. Webb, Paralegal Specialist, Division of Law Enforcement, (202) 343-9242.

#### Regulations Promulgation

Accordingly, Part 17, Subchapter B of Chapter I, Title 50 of the Code of Federal Regulations is hereby amended as set forth below:

#### § 17.42 (Amended)

1. Paragraph (a)(1)(i)(E) of § 17.42 is revised to read as follows:

(a) \* \* \*

(1) \* \* \*

(i) \* \* \*

(E) Any person may take American alligators in Cameron, Vermilion, Calcasieu, Iberia, St. Mary, Terrebonne, St. Bernard, St. Tammany, Lafourche, St. Charles, Plaquemines, and Jefferson Parishes in accordance with the laws and regulations of the State of Louisiana provided the following requirements are met:

(1) That hides of such alligators are only sold or offered for sale to a person holding a valid Federal license to buy

hides, issued under this subsection, as a buyer of hides;

(2) The meat and other parts are sold only in the State of Louisiana, and only in accordance with the laws and regulations of that State.

2. Paragraph (a)(2)(iv) is amended by adding the following words after the words "occurring in the wild in \* \* \*":

(a) \* \* \*

(2) \* \* \*

(iv) \* \* \* Iberia, St. Mary, St. Charles, Terrebonne, Lafourche, St. Bernard, Jefferson, St. Tammany, Plaquemines \* \* \*

The Department has determined that this rule is not a significant rule and does not require preparation of a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.

Dated: August 31, 1979.

Lynn A. Greenwalt,  
Director, Fish and Wildlife Service.

[FR Doc. 79-27785 Filed 9-5-79; 8:45 am]

BILLING CODE 4310-55-M

## 50 CFR Part 32

### Opening of the Parker River National Wildlife Refuge, Massachusetts, to Hunting

**AGENCY:** United States Fish and Wildlife Service, Department of the Interior.

**ACTION:** Special regulation.

**SUMMARY:** The Director has determined that the opening to hunting of Parker River National Wildlife Refuge is compatible with the objectives for which the area was established, will utilize a renewable natural resource, and will provide additional recreational opportunity to the public.

**DATES:** October 1, 1979, through January 31, 1980.

**FOR FURTHER INFORMATION CONTACT:** George Gavutis, Parker River National Wildlife Refuge, Northern Blvd., Plum Island, Newburyport, Massachusetts 01950, Telephone No. 617-465-5753.

**SUPPLEMENTARY INFORMATION:** The Refuge Recreation Act of 1962 (16 U.S.C. 460k) authorizes the Secretary of the Interior to administer such areas for public recreation as an appropriate incidental or secondary use only to the extent that it is practicable and not inconsistent with the primary objectives for which the area was established. In addition, the Refuge Recreation Act requires (1) that any recreational use permitted will not interfere with the primary purpose for which the area was established; and (2) that funds are available for the development,

operation, and maintenance of the permitted forms of recreation.

The recreational use authorized by these regulations will not interfere with the primary purposes for which Parker River National Wildlife Refuge was established. This determination is based upon consideration of, among other things, the Service's Final Environmental Statement on the Operation of the National Wildlife Refuge System published in November 1976. Funds are available for the administration of the recreational activities permitted by these regulations.

#### § 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

Public hunting of waterfowl and coots on the Parker River National Wildlife Refuge, Massachusetts, is permitted only on the areas designated by signs as open to hunting. These open areas, comprising 1,900 acres, and known as the Pine Island Hunting Area (Area A), Parker River Hunting Area (Area B), Nelson's Island Hunting Area (Area C), and the Youth Hunting Area (Area D), are delineated on maps available at refuge headquarters, or from the Regional Director, U.S. Fish and Wildlife Service, One Gateway Center, Suite 700, Newton Corner, Massachusetts 02158. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of waterfowl and coots, subject to the following special conditions:

1. Hunters will be required to have taken and passed the refuge open book Waterfowl Hunters Qualification Examination prior to hunting on the refuge. These hunters must have a valid Certification Card with them while hunting on the refuge and must display it upon request. Hunters who are convicted of a violation of refuge regulations are subject to having their exam certification card revoked.

2. The number of hunters on the Pine Island Area will be limited to 75 each day, Parker River Area to 25 each day, and the Nelson's Island Area to 50 each day. Participation will be on a first-come, first-served basis. Hunters using Area B must each bring and set out at least two (2) waterfowl decoys and waterfowl only may be hunted within 50 yards of these set decoys.

3. Hunters on all three areas may not fire or possess more than 15 shotshells per day. Steel shot is required for all 12-gauge shotguns. Persons using 12-gauge shotguns may not have in their possession lead shotshells. Lead shotshells may be used in shotguns other than 12-gauge.

4. Hunters when requested by federal or state enforcement officers, must display for inspection all game, hunting equipment, and ammunition.

5. The Youth Hunting Area will be open during the regular State waterfowl season for Young Waterfowl trainees on selected days except Sundays under the provisions of this special program. Literature describing this program is available at the refuge headquarters.

6. Boat access is prohibited on Area C and required on Area A. Boats may be landed only during the open season on waterfowl and by persons authorized to participate in refuge hunting programs. Access to Area B is permitted by foot from the refuge parking lot off of Marsh Avenue or via boat from the refuge launching ramp on Plum Island, or from off-refuge sites. Access to Area C must be from the refuge parking lot on Stackyard Road.

The provisions of this special regulation supplement the regulations governing hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 31, 1980. The public is invited to offer suggestions and comments at any time.

**Note.**—The Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR, Part 14.

William C. Ashe,  
Acting Regional Director, Fish and Wildlife Service.

August 27, 1979.

[FR Doc. 79-27779 Filed 9-5-79; 8:45 am]

BILLING CODE 4310-55-M

## 50 CFR Part 32

### Hunting; Opening of Certain National Wildlife Refuges in Arizona, California and New Mexico.

**AGENCY:** U.S. Fish and Wildlife Service, Department of the Interior.

**ACTION:** Special Regulations.

**SUMMARY:** The Director has determined that the opening to hunting of upland game on certain National Wildlife Refuges is compatible with the objectives for which the areas were established, will utilize a renewable natural resource, and will provide additional recreational opportunity to the public. These special regulations describe the conditions under which hunting will be permitted on portions of certain National Wildlife Refuges in Arizona, California and New Mexico.

hides, issued under this subsection, as a buyer of hides;

(2) The meat and other parts are sold only in the State of Louisiana, and only in accordance with the laws and regulations of that State.

2. Paragraph (a)(2)(iv) is amended by adding the following words after the words "occurring in the wild in \* \* \*":

(a) \* \* \*

(2) \* \* \*

(iv) \* \* \* Iberia, St. Mary, St. Charles, Terrebonne, Lafourche, St. Bernard, Jefferson, St. Tammany, Plaquemines  
\* \* \*

The Department has determined that this rule is not a significant rule and does not require preparation of a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.

Dated: August 31, 1979.

**Lynn A. Greenwalt,**

*Director, Fish and Wildlife Service.*

[FR Doc. 79-27785 Filed 9-5-79; 8:45 am]

**BILLING CODE 4310-55-M**

---